

**Facsimil Transmission**

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WRITER'S DIRECT DIAL:
212-790-2131
INTERNET ADDRESS:
DDLEE@PENNIE.COM
DIRECT FAX NUMBER:
212-699-0366

New York, N.Y.
1155 Avenue of the Americas
New York, N.Y. 10036
(212) 790-9090
Facsimile: (212) 869-8864/9741

Sender: David D. Lee

Pages (including this page): 2

Our Ref.: 618-1047-999

Recipient:	Company:	Fax Number:
Examiner Huyen D. Le	USPTO	703.746.5862

Confirmation copy will not follow.

INFORMAL COMMUNICATION

Re: U.S. Patent Application No. 10/053,621
Inventor: O'Brien et al.
Filed: January 24, 2003
For: WRITING INSTRUMENT

Message

Dear Examiner Le:

Attached is a list of proposed claim language for discussion during our interview scheduled for Thursday, Dec. 4, 2003.

Please note that this is an informal communication and is not meant to be included in the file for this application.

Sincerely,

David D. Lee (Reg. No. 51,929)

If you have any problems regarding this transmission, please contact David D. Lee at 212-790-2131.

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Informal Communication
Not for Entry Into File

Proposed Amendments to Claims for 10/053,621

1. A writing instrument comprising:
a barrel having a channel, an open end, and a side surface;
an actuator ~~located~~ for disposed entirely on said side surface of said barrel; and
a writing element disposed in said channel and movable along a longitudinal axis
between a retracted position and an extended position;

wherein:

said writing element is operatively connected to said actuator, said actuator being
capable of moving said writing element from the retracted position to the extended position;

at least a portion of said writing element is resilient;

said writing element is substantially straight in the retracted position;

said writing element is deflected in a direction substantially transverse to the
longitudinal axis upon being moved into said extended position; and

the resiliency of said writing element biases said writing element to engage said
channel and to retain said writing element in said extended position.

11. A writing instrument comprising:

a barrel having an open end, a closed end, and a channel extending between said
open end and said closed end; and

a writing element having a writing end, said writing element being disposed in
said channel and movable along a longitudinal axis between a retracted position with said writing
end within said channel and an extended position with said writing end extending through and
outside said open end;

wherein:

said writing element is substantially straight in the retracted position;
said writing element resiliently engages said channel to retain said writing element in said
extended position; and

movement of said writing element in a direction substantially transverse to the
longitudinal axis disengages said writing element from said channel to return said writing
element to said retracted position.

Attorney Docket No. 618-1047-999

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